

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	MATTICE/CARTER
)	
v.)	CASE NO. 1:09-CR-129
)	
DERRICK CUNNINGHAM)	

ORDER

On November 10, 2009, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant Derrick Cunningham's ("Defendant") plea of guilty to Count One of the Indictment; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; and (c) Defendant shall remain in custody pending sentencing in this matter (Doc. 19). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;
- (2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment; and
- (3) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Monday, February 22, 2010, at 9:00 am.**

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE